

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

FISH HUSBANDRY ACT

Promulgated State Gazette No. 91/19.11.1982

**Chapter One
GENERAL PROVISIONS**

Article 1

This Act regulates the organization, planning, and management of fish husbandry, the management, utilization, and conservation of the fish and the other aquatic animals, and aims at promoting the increase in their stock, the enrichment of their species composition, the conservation of the biological equilibrium in the aquatic habitat, and the development of fish-breeding, of industrial and sports fishing.

Article 2

- (1) The fish and the other aquatic animals in the waters of the People's Republic of Bulgaria are state property.
- (2) The fish and the other aquatic animals in the storage ponds created by state-owned, cooperative and public organizations on their own land or on land granted to them for use, as well as in the storage ponds granted to them for use, belong to the respective organization.

Article 3

With regard to fish husbandry, waters are divided into:

1. Waters for industrial fishing - the waters of the Black Sea and the Danube river, of the adjacent marshes, the big state-owned dams and the other storage ponds designated for industrial fishing.
2. Waters for sports fishing - the waters of rivers, inland marshes, mountain lakes and other storage ponds which have not been designated for industrial fishing.
3. Waters for fish-breeding - fish farms and basins, small dams and water expanses fenced in with mesh, created by state-owned, cooperative and public organizations on their own land or on land granted to them for use, and in the storage ponds of intensive fish-breeding.

Article 4

The categorization and recategorization of the various fish husbandry waters is done by the Chairman of the Environmental Protection Committee, upon the proposal of the Interagency Coordination Council on Fish Husbandry.

Article 5

Fish husbandry is organized on a planned and scientific basis, through a comprehensive and efficient use of all storage ponds suitable for this purpose.

Article 6

- (1) The government policy in the field of fish husbandry is implemented by the National Agro-Industrial Union and the Ministry of Forests and Forest Industry.
- (2) The Bulgarian Hunters' and Fishermen's Union takes part in the implementation of the government policy in the field of fish husbandry, and organizes sports fishing.
- (3) The people's councils take an active part in the implementation of measures for the development of fish husbandry, for increasing the fish stock, for the provision of sufficient amount of fish for the needs of the national economy, and for the conservation of the fish and the other aquatic animals.

Article 7

The development and management of fish husbandry are carried out by expanding and consolidating the state-public principle.

**Chapter Two
ORGANIZATION, MANAGEMENT, AND HUSBANDRY**

Article 8

- (1) The management of the fish and the other aquatic animals includes their conservation, the improvement of the living conditions, their reproduction, increase, and rational utilization.
- (2) The management also incorporates the conservation of the genetic fund in the storage ponds, as well as of the protected and threatened species.

Article 9

The National Agro-Industrial Union organizes and heads the management of the waters for industrial fishing, the fish-breeding and the fishing in them and in the storage ponds granted to the state-owned fish-breeding enterprises, the research and production complexes and the agro-industrial complexes, and specifies the regime of fishing in them.

Article 10

The Ministry of Forests and Forest Industry manages the waters for sports fishing, directs fish-breeding, and, jointly with the Bulgarian Hunters' and Fishermen's Union, specifies the regime of fishing in them.

Article 11

The Bulgarian Hunters' and Fishermen's Union organizes and directs the fish-breeding and fishing in its fish farms and in the storage ponds granted to it, and takes part in the management of the waters for sports fishing.

Article 12

The fish-breeding and the fishing in the fish husbandry waters under Article 3, sub-paragraph 3, are done by the state-owned, cooperative and public organizations which manage them.

Article 13

- (1) An Interagency Coordination Council on Fish Husbandry is established as a state-public body under the National Agro-Industrial Union .
- (2) The Interagency Coordination Council on Fish Husbandry comprises representatives of the National Agro-Industrial Union, of the Ministry of Forests and Forest Industry, of the Environmental Protection Committee, of the Bulgarian Hunters' and Fishermen's Union, and of other agencies and organizations specified in the Regulation to implement this Act. The Chairman of the Council is the Deputy-Chairman of the Central Council of the National Agro-Industrial Union in charge of fish husbandry, and deputy-chairmen are a Deputy-Minister of Forests and Forest Industry and the Chairman of the Central Council of the Bulgarian Hunters' and Fishermen's Union.
- (3) The Interagency Coordination Council on Fish Husbandry considers the major questions of the organization, management, and planning of fish husbandry, the management and conservation of the fish and the other aquatic animals, and puts forward proposals for their solution.
- (4) In case the Chairman of the Central Council of the National Agro-Industrial Union disagrees with the proposals of the Interagency Coordination Council on Fish Husbandry, he refers the matter to the Council of Ministers.

Article 14

The Council of Ministers may change the organization, structure, and agency management of fish husbandry, as well as assign to the Bulgarian Hunters' and Fishermen's Union the management of individual storage ponds.

Article 15

- (1) Fish husbandry is organized on the basis of long-term and annual plans. They envisage the fish husbandry measures for the increase, rational utilization and conservation of the fish stock, as well as the required fish-stocking material.
- (2) The industrial fishing plans are drawn up and approved under the established terms and procedures, on the basis of specified rates and indicators.
- (3) The plans for the fish husbandry measures in the waters for sports fishing are endorsed by the Minister of Forests and Forest Industry, in coordination with the Chairman of the Central Council of the Bulgarian Hunters' and Fishermen's Union.

Article 16

- (1) The organizations managing fish husbandry waters organize the production of fish-stocking material and take measures for the creation of optimum conditions for the reproduction of and increase in the fish stock.
- (2) To ensure the natural reproduction of the fish and the other aquatic animals, the organizations managing fish husbandry waters designate permanent and temporary breeding-ponds in them. The breeding-ponds in the waters for sports fishing are designated in coordination with the Bulgarian Hunters' and Fishermen's Union.

Article 17

Suitable land from the agricultural and the forest fund shall be granted for the creation of new fish farms and for the expansion of the existing ones.

Article 18

- (1) The Bulgarian Academy of Sciences coordinates and heads the fundamental research in the field of fish husbandry, and the Agricultural Academy -- the applied science research in fish-breeding.
- (2) New species of fish and other aquatic animals may be introduced in the waters of the country only with the consent of the Bulgarian Academy of Sciences, upon the proposal of the Interagency Coordination Council on Fish Husbandry.
- (3) The acclimatization and selection measures in fish husbandry are directed and implemented by the respective departments and organizations, and are coordinated by the Interagency Coordination Council on Fish Husbandry.

Article 19

- (1) The industrial fishing in the waters under Article 3, sub-paragraph 1 is carried out by the specialized organizations for catching and fish-breeding under the National Agro-Industrial Union.
- (2) Industrial fishing is done by fishing vessels, fishing facilities and equipment.

Article 20

- (1) The right to fishing in the waters under Article 3, sub-paragraph 3 belongs to the state-owned, cooperative and public organizations which manage them.
- (2) Individuals may fish in the waters under the preceding paragraph with the permission of the respective organization, and under conditions, terms and procedures established by the Regulation to implement this Act.
- (3) The fishing in the waters under para. 1 can be done by equipment and facilities specified by the Regulation to implement this Act.

Chapter Three SPORTS FISHING

Article 21

- (1) Sports fishing may be done in fish husbandry waters for industrial and sports fishing.
- (2) The right to sports fishing belongs to all Bulgarian citizens who are members of the Bulgarian Hunters' and Fishermen's Union, have sat for the respective examination, and hold a fishing license issued by the bodies of the Ministry of Forests and Forest Industry after the payment of a state fee.
- (3) Those who have graduated from higher and specialized secondary educational establishments, where fish husbandry has been a subject, do not sit for an examination.
- (4) Children below 14 years of age, who are members of the Bulgarian Hunters' and Fishermen's Union, are issued fishing licenses free of charge.
- (5) Sports fishing in the Danube river and the Black Sea is free for Bulgarian citizens.

Article 22

Foreign nationals may engage in sports fishing under a permit issued by the bodies of the Ministry of Forests and Forest Industry after the payment of a government charge.

Article 23

Persons assigned research tasks, and graduates majoring in fish husbandry, are issued official fishing permits by the Ministry of Forests and Forest Industry, under terms and conditions established by the Regulation to implement this Act.

Article 24

- (1) The conditions, order, ways, norms and terms for exercising sports fishing as well as the equipment and facilities, which may be used for sports fishing are established in the Rules for application of this Act.
- (2) For research and fish-breeding activities in the field of fish husbandry, the Minister of Forests and Forest Industry may permit the catch of fish and other aquatic animals, with the exception of the protected species, without compliance with the regime for fishing under the preceding paragraph.

Chapter Four CONSERVATION AND CONTROL

Article 25

- (1) The organizations managing the fish husbandry waters shall take measures to preserve the diversity of the aquatic fauna species, to conserve the habitat, the conditions for reproduction, and the migration

routes of the fish and the other aquatic animals, as well as to preserve the integrity of the water ecosystems.

- (2) In case of a reduction of the fish stock, the fishing in individual storage ponds or of individual species of fish and other aquatic animals shall be prohibited until the stock is replenished.

Article 26

For conserving the fish and the other aquatic animals and for the adequate development of fish-breeding, it is prohibited:

1. To construct barrages and other hydrofacilities which block running waters completely, without providing fish passageways, with the exception of the dams with respect to which a special permission has been issued;
2. To discharge or dump into the fish husbandry waters polluted waters or substances which, by their amount and properties, may damage the fish and the other aquatic animals;
3. To use turbines, chutes, irrigation canals, irrigation pumps and other facilities which are not fitted with devices preventing the fish from penetrating into them;
4. To use the waters of rivers and dams for irrigation, in case the amount of water required for the preservation of the fish and the other aquatic animals from destruction is not available;
5. To use toxic plant protection substances and mineral fertilizers in immediate proximity to fish-breeding ponds, reserves and fish nurseries.

Article 27

- (1) The assignments for the design of new, or the extension of existing projects shall envisage the construction of efficient facilities for the conservation of the fish and the other aquatic animals.
- (2) In the design of the construction and reconstruction of dams and other storage ponds, conditions are provided for their utilization for fish husbandry purposes.

Article 28

It is prohibited to fish, in any fish husbandry water using explosive, poisonous or stunning substances and devices; to fish in the reserves; to catch threatened fish species, as well as to fish in the waters for sports fishing in the breeding season, at low water-levels, and during the night.

Article 29

- (1) It is prohibited to catch, transport, sell and buy fish with dimensions below those established by the Regulation to implement this Act, with the exception of catching and transporting fish for research and breeding purposes.
- (2) The catchment, transportation and sale of Artemia and Dafnia by citizen is banned

Article 30

- (1) The specialized state control over fish husbandry is exercised by the Ministry of Forests and Forest Industry and the National Agro-Industrial Union.
- (2) The specialized state control over the conservation of the genetic fund and the biological equilibrium in the aquatic habitat is exercised by the Environmental Protection Committee.

Article 31

- (1) The protection of the fish and the other aquatic animals in the fish husbandry waters for industrial and sports fishing is provided by the bodies of the National Agro-Industrial Union, the Ministry of Forests and Forest Industry, the Bulgarian Hunters' and Fishermen's Union, the people's councils, and the People's Militia.
- (2) The protection of the fish and the other aquatic animals in the storage ponds under Article 3, subparagraph 3, is provided by the organizations managing them.

Article 32

- (1) The activities on the production of fish-stocking material, the introduction and acclimatization of new species of fish and other useful aquatic animals, the fish-breeding, fishing, and sale of the fish caught are subject to veterinarian sanitary supervision.
- (2) The veterinarian sanitary supervision in fish husbandry shall be exercised by the respective specialized bodies of the National Agro-Industrial Union.

Article 33

The fish caught in the Black Sea and the Danube river by fishermen, no matter whether they are professionals or sportsmen, above the rates established by the Regulation to implement this Act, shall be sold for the needs of the national economy.

Chapter Five
ADMINISTRATIVE PENALTY PROVISIONS

Article 34

Each person who catches fish and other useful aquatic animals without holding a fishing license or permit, or fishes in breach of the regime for sports fishing under Article 24, shall be fined from 20 to 200 Lv, but not less than three times the amount of the damage caused.

Article 35

Each person who catches fish and other aquatic animals at a prohibited time, in the breeding season or with fishing equipment other than what is specified in the Regulation to implement this Act, shall be fined from 50 to 300 Lv, but not less than three times the amount of the damage caused, unless such person is liable for a heavier penalty.

Article 36

- (1) Each person who catches fish and other aquatic animals with poisonous, explosive or stunning substances or devices, or fishes in reserves, fish farms or other places prohibited for fishing, shall be fined from 100 to 400 Lv, but not less than three times the amount of the damage caused, unless such person is liable to a heavier penalty.
- (2) The penalty under the preceding paragraph shall also be imposed on each person who catches protected species of fish or other aquatic animals.

Article 37

In case there is a repeated offense under the preceding articles within one year after the penalty ordinance for an offense of the same type has come into force, the penalty is from 50 to 300 Lv under Article 34, from 100 to 500 Lv under Article 35, and from 200 to 500 Lv under Article 36, but not less than three times the amount of the damage caused.

Article 38

The penalties under Article 34, 35, and 36 shall also be imposed in the cases when no fish or other aquatic animals caught have been found with the offender.

Article 39

For the offenses under Article 34, 35, and 36, the offender is sanctioned by being deprived of the right to fishing for a period of up to three years.

Article 40

Each person who violates the provisions of Article 26 shall be fined from 50 to 500 Lv, unless such person is liable for a heavier penalty.

Article 41

- (1) Each person who sells fish in breach of Article 33 is imposed a fine of from 20 to 200 Lv.
- (2) The penalty under the preceding paragraph also applies to each person who conceals, sells or transports fish and other aquatic animals caught by someone else, or conceals equipment and facilities which are not allowed for fishing.

Article 42

Each person who, without the permission under Article 20, catches fish or other aquatic animals in the storage ponds under Article 3, sub-paragraph 3, with the intention of illegally appropriating them, shall be sanctioned under Article 41 of the Farming Property Conservation Act, in case their value does not exceed 50 Lv at retail prices.

Article 43

- (1) In the cases under Article 34-40, the offenders shall pay indemnities for the damages inflicted to the departments and organizations managing the respective fish husbandry waters, in amounts specified by the Council of Ministers.
- (2) The fish and the other aquatic animals, caught in violation of Article 34-37 and Article 41, as well as the equipment and facilities used in the fishing, shall be seized and forfeited to the State. In case the offense has been made with a boat and a damage of over 100 Lv has been inflicted, the boat shall be forfeited to the State.
- (3) In the event that it is impossible to seize the fish and the other aquatic animals, the equipment and facilities, and the boat, the offenders pay their equivalent.

Article 44

The fish and the other aquatic animals seized shall be sold for the needs of the national economy immediately, before the penalty ordinance has come into force.

Article 45

- (1) The offenses under Article 34-37 and Article 41 shall be established by statements of the bodies of the Ministry of Forests and Forest Industry, the National Agro-Industrial Union, the Bulgarian Hunters' and Fishermen's Union, the People's Militia, the Environmental Protection Committee, and the people's councils.
- (2) The penalty ordinances shall be issued by the Minister of Forests and Forest Industry and by the Chairman of the Central Council of the National Agro-Industrial Union, and with regard to the offenses under Article 40 -- by the Chairman of the Environmental Protection Committee, or by officials authorized by them.
- (3) The establishment of the offenses, the issuance, appeal, and execution of the penalty ordinances shall be carried out under the procedure established by the Administrative Offenses and Penalties Act.

Article 46

The bodies in charge of the fish husbandry protection are entitled to check the vehicles and the personal luggage of the suspects, in case the former have reliable evidence that illegally caught fish or other aquatic animals are concealed.

Article 47

Twenty per cent of the fines for offenses under this Act collected shall be paid into a special extra-budgetary account of the Ministry of Forests and Forest Industry, the funds raised being spent in accordance with a directive issued by the Minister of Forests and Forest Industry, by the Minister of Finance, by the Chairman of the Central Union of the Bulgarian Hunters' and Fishermen's Union, by the Chairman of the Central Council of the National Agro-Industrial Union, and by the Chairman of the Environmental Protection Committee.

FINAL PROVISIONS

- § 1. The Council of Ministers shall adopt a Regulation to implement this Act, and a Directive on the amount of the indemnities for damages caused to the fish husbandry, and shall determine the government fees provided by Article 21, para. 2, and Article 22.
- § 2. This Act repeals the Fishery Act (promulgated, Izvestia, No. 89 of 1961; amended, the State Gazette, No. 99 of 1963, No. 26 of 1968, and No. 3 of 1977).
- § 3. This Act shall come into force as from January 1, 1983.
- § 4. The implementation of this Act is assigned to the Chairman of the Central Council of the National Agro-Industrial Union and to the Chairman of the Central Union of the Bulgarian Hunters' and Fishermen's Union.